IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

TRUSTEES OF THE NATIONAL ELEVATOR INDUSTRY PENSION FUND,)))
Plaintiff,) CIVIL ACTION NO.
v.) 2:08-cv-162-MEF
DALLAS CAVINESS, D.C. c/o)
RHONDA CAVINESS, AND)
ROBERT W. CAVINESS,)
)
Defendants.)

Notice Concerning Settlement Conference and Mediation

On July 9, 2008, counsel for Dallas Caviness and Rhonda Caviness Pierce, in her capacity as guardian of D.C., a minor, (hereinafter "Caviness Defendants") and counsel for Robert Caviness, through a lengthy conference call, conducted good faith settlement negotiations. The Caviness Defendants and Robert Caviness were unable to reach a settlement agreement on that date. The Caviness Defendants do not believe that further negotiations would result in settlement and do not believe mediation would assist in the resolution of this matter prior to trial.

Respectfully Submitted,

/s/ John W. Dodson John W. Dodson (ASB-9724-D65J)

Attorney for Defendants, Rhonda Caviness Pierce and Dallas Caviness

{W0211777.1 }

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CERTIFICATE OF SERVICE

This is to certify that on this the 4th day of September 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ John W. Dodson	
OF COUNSEL	